

Amendment No. 1 to SB0679

Woodson
Signature of Sponsor

AMEND Senate Bill No. 679

House Bill No. 714*

by deleting all language after the enacting clause of the introduced bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-405, is amended by adding the following new subsections immediately preceding subsection (d) and by redesignating the subsequent subsection accordingly:

(d) A railroad company is exempt from the notice requirements of subsection (a) when:

(1) Trespassers are riding trains, locomotives or any equipment owned by railroads; and

(2) Trespassers knowingly enter and remain on railroad tracks, rights-of-way, bridges or properties owned by a railroad company, other than to pass over the tracks, property, or right-of-way at a public or private crossing;

provided, however, the notice requirements of subsection (a) shall remain applicable to circumstances arising out of usual and customary agricultural activity of adjoining landowners.

(e) For the purpose of the defense to prosecution in subsection (b), any entrance by a person onto railroad property is a substantial interference with the owner's use of the property.

(f) The notice requirements of subsection (a) are not applicable to trespassers who access land by means of unpermitted use of adjoining property of a railroad company.

SECTION 2. Tennessee Code Annotated, Section 70-4-108(a), is amended by

deleting the language "any public road" and by substituting instead the language "any public road, or across or on any railroad track, right-of-way, bridge or property used for the operation of trains" in subsection (a).

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.